[REGI]STERED No. T. 10. REGISTERED No. M. 4634.

GAZETTE EXTRAORDINARY

PUBLISHED BY AUTHORITY

FRIDAY, 1ST JULY 1949/17TH MITHUNAM 1124.

THE COVENANT

ENTERED INTO BY THE RULERS OF TRAVANCORE AND COCHIN FOR THE FORMATION OF THE UNITED STATE OF TRAVANCORE AND COCHIN.

We, the Rulers of Travancore and Cochin, do hereby, with the concurrence and guarantee of the Government of India, enter into the following Covenant :

Article 1. As from the first day of July, 1949, the States of Travancore and Cochin shall be united in and shall form, one State, with a common Executive, Legislature and Judiciary, by the name of THE UNITED STATE OF TRAVANCORE AND COCHIN.

Article 2. In the succeeding Articles of this Covenant, the first day of July 1949, is referred to as the appointed day, the States of Travancore and Cochin are referred to as the Covenanting States and the United State of Travancore and Cochin is referred to as the United State.

Article 3. As from the appointed day,—(a) all rights, authority and jurisdiction, belonging to the Ruler of either of the Covenanting States which appertain or are incidental to the Government of that State shall vest in the United State; (b) all duties and obligations of the Ruler of either of the Covenanting States pertaining or incidental to the Government of that State shall devolve on the United State, and shall be discharged by it ; and (c) all the assets and liabilities of either Covenanting State shall be the assets and liabilities of the United State.

Article 4. (1) There shall be a Raj Pramukh for the United State.

(2) The present Ruler of Travancore shall be the first Raj Pramukh and shall be entitled to hold office during his life-time.

(3) In the event of a permanent vacancy arising in the Office of the Raj Pramukh by death, resignation or any other reason, such vacancy shall be filled in such manner as the Governor-General of India may prescribe.

(4) Notwithstanding anything contained in this Article, if the Raj Pramukh is by reason of absence or illness or for any other reason unable to perform the duties of his office, those duties shall until he has resumed them be performed in such manner as the Governor-General of India may prescribe.

Article 5. To enable the Raj Pramukh to discharge conveniently and with dignity the duties of his office, he shall be paid such allowances as may be prescribed by the Governor-General of India from time to time.

Article 6. Subject to the provisions of this Covenant, the executive authority of the United State shall be exercised by the Raj Pramukh either directly or through officers subordinate to him; but nothing in this Article shall prevent any competent Legislature of the United State from conferring functions upon subordinate authorities or be deemed to transfer to the Raj Pramukh any functions conferred by any existing law on any court, Judge or officer or any local or other authority in either of the Covenanting States.

Article 7. (1) There shall be a Council of Ministers to aid and advise the Raj Pramukh in the exercise of his functions save as provided in Articles 12 and 13.

(2) The Ministers shall be chosen by, and shall hold office during the pleasure of the, Rajpramukh.

Article 8. (*a*) The obligation of the Covenanting State of Travancore to contribute from its general revenues a sum of Rs. 50 lakhs every year to the Devaswom Fund as provided for in the Devaswom (Amendment) Proclamation, 1123 M. E, and a sum of Rs. one lakh every year to Sree Pandaravaga referred to in Proviso (A) to sub-section (1) of Section 28 of the Travancore Interim Constitution Act 1123 M.E., shall, from the appointed day, be an obligation of the United State and the said amounts shall be payable therefrom and the Raj Pramukh shall cause the said amounts to be paid every year to the Travancore Devaswom Board and the Executive Officer (referred to in sub-clause (b) of this Article) respectively.

(*b*) The administration of Sree Padmanabhaswamy Temple, the Sree Pandaravaga properties and all other properties and funds of the said temple now vested in trust in the Ruler of the Covenanting State of Travancore and the sum of Rs. One lakh transferred from year to year under the provisions of Clause (a) of this Article, and the sum of five lakhs of rupees contributed from year to year towards the expenditure in the Sree Padmanabhaswamy temple under sub-clause (c) of this article, shall, with effect from the first day of August 1949 be conducted, subject to the control and supervision of the Ruler of Travancore, by an Executive Officer appointed by him. There shall be a Committee known by the name of the Sree Padmanabhaswamy Temple Committee Composed of three Hindu Members to be nominated by the Ruler of Travancore to advise him in the discharge of his functions. Suits by or against the Sree Padmanabhaswamy Temple or in respect of its properties shall be instituted in the name of the said Executive Officer.

(*c*) The administration of the incorporated and unincorporated Devaswoms and of Hindu Religious Institutions and Endowments, and all their properties and funds as well as the fund constituted under the Devaswom Proclamation 1097 M. E. and the surplus fund constituted under the Devaswom (Amendment) Proclamation, 1122 M. E., which are under the management of the Ruler of the Covenanting State of Travancore and the sum of Rs. 50 lakhs transferred from year to year under Clause (a) shall with effect from the first day of August 1949, vest in a Board known by the name of the Travancore Devaswom Board. An annual contribution of five lakhs of rupees shall be made by the Travancore Devaswom Board from the aforesaid sum of Rs. 50 lakhs towards the expenditure in the Sree Padmanabhaswamy Temple.

(*d*) The administration of the incorporated and unincorporated Devaswoms and Hindu Religious Institutions, which are under the management of

the Ruler of the covenanting State of Cochin under Section 50 G of the Government of Cochin Act XX of 1113 M. E. or under the provisions of the Cochin Hindu Religious Institutions Act, I of 1081 M. E. and all their properties and funds and of the estates under the management of the Devaswom Department of the convenanting State of Cochin, shall with effect from the first day of August 1949 vest in a Board known by the name of the Cochin Devaswom Board:

Provided that the regulation and control of all rituals and cermonies in the Temple of Sree Poornathrayeesa at Trippunithura and in the Pazayannore Bhagavathy Temple at Pazayannore shall continue to be exercised as hitherto by the Ruler of Cochin.

(e) The Board referred to in sub-Clause (c) of this Article shall consist of Three Hindu Members, one of whom shall be nominated by the Ruler of the covenanting State of Travancore, one by the Hindus among the Council of Ministers, and one elected by the Hindu Members of the Legislative Assembly of the United State.

(f) The Board referred to in sub-clause (d) of this article shall consist of three Hindu Members, one of whom shall be nominated by the Ruler of the covenanting State of Cochin, one by the Hindus among the Council of Ministers, and one elected by the Hindu Members of the Legislative Assembly of the United State.

(g) Each of the aforesaid Boards shall be a separate body corporate having perpetual succession and a common seal with powers to hold and acquire properties and shall by its name sue and be sued.

(h) Subject to the provisions of this Article, the constitution, powers and duties of the Boards aforesaid shall be such as may be determined hereafter by law enacted by competent authority.

Article 9. The Raj Pramukh shall, within a fortnight of the appointed day, execute on behalf of the United State an Instrument of Accession in accordance with the provisions of Section 6 of the Government of India Act; 1935, and in place of the Instruments of Accession of the Covenanting States; and he shall, by such Instrument accept as matters with respect to which the Dominion Legislature may make laws for the United State all the matters mentioned in List I and List III of the Seventh Schedule to the said Act, except the entries in List I relating to any tax or duty:

Provided that nothing in this Article shall be deemed to prevent the Raj Pramukh from accepting by a Supplementary Instrument any or all of the entries in the said List I relating to any tax or duty as matters with respect to which the Dominion Legislature may make laws for the United State; and in doing so the Raj Pramukh may specify the limitations, if any, subject to which the power of the Dominion Legislature to make laws for the United State in respect of such matters, and the exercise of the Executive authority of the Dominion in the United State are respectively to be subject.

Article 10. (1) There shall be a Legislature for the United State consisting of the Raj Pramukh and the Legislative Assembly.

(2) All persons, who, immediately before the appointed day, are members of the Representative Body of Travancore or the Legislative Assembly of Cochin, shall, on that day become members of the Legislative Assembly of the United State.

(3) If immediately before the appointed day any vacancy exists in the membership of the Representative Body of Travancore or the Legislative Assembly of Cochin, it shall be deemed to be a vacancy in the membership of the Legislative Assembly of the United State, and any such vacancy and any vacancy that may occur after the appointed day shall be filled in the same manner as it would have been filled if this Covenant had not been entered into.

(4) The Legislature of the United State shall, subject to the provisions of this Covenant, have full power to make laws for the United State, including provisions as to the Constitution of the United State, within the framework of this Covenant and the Constitution of India.

Article 11. Until a Constitution framed or adopted by the Legislature comes into operation, the Raj Pramukh shall have power to make and

promulgate Ordinances for the peace and good Government of the United State or any part thereof, and any Ordinance so made shall for the space of not more than six months from its promulgation, have the like force of law as an Act of the Legislature, but any such Ordinance may be controlled or superseded by any such Act.

Article 12. If at any time, before a Constitution framed or adopted by the Legislature comes into operation, the Raj Pramukh is satisfied that a situation has arisen, in which the Government of the United State cannot be carried on in accordance with the provisions of this Covenant, he may, with the prior concurrence of the Government of India, by Proclamation—

(*a*) declare that his functions shall to such extent as may be specified in the Proclamation, be exercised by him in his discretion ;

(*b*) Assume to himself all or any of the powers vested in or exercisable by any authority or body within the United State;

And any such Proclamation may contain such incidental and consequential provisions as may appear to him necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending, in whole or part, the operation of any provisions of this Covenant, or of any other constitutional provisions relating to any authority or body in the United State :

Provided that nothing in this Article shall authorise the Raj Pramukh to assume to himself any of the powers vested in or exercisable by a High Court, or to suspend, either in whole or in part the operation of any law relating to a High Court.

Article 13. Until a Constitution framed or adopted by the Legislature comes into operation, the Raj Pramukh and the Council of Ministers shall, in the exercise of their functions comply with such directions, if any, as may from time to time be given by the Government of India.

Article 14. (1) The Ruler of each Covenanting State shall be entitled to receive annually from the revenue of the United State for his privy purse the amounts specified against that Covenanting State in the Schedule:

Provided that the sums specified in the Schedule in respect of the Ruler of Travancore shall be payable only to the present Ruler and not to his successors, for whom provisions will be made subsequently by the Government of India.

(2) The said amount is intended to cover all the expenses of the Ruler including expenses on residences and ceremonies and shall neither be increased nor reduced for any reason whatsoever.

(3) The United State shall pay the said amount to the Ruler in four equal instalments at the beginning of each quarter in advance.

(4) The said amount shall be free of all taxes whether imposed by the Government of the United State or by the Government of India.

Article 15. (1) The Ruler of each Covenanting State shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State properties) belonging to him immediately before the appointed day.

(2) He shall furnish to the Government of India in the Ministry of States before the first day of September 1949, an inventory of all immovable property, securities and cash balances held by him as such private property.

(3) If any dispute arises as to whether any item of property is the private property of the Ruler or State property, it shall be referred to such person as the Government of India may nominate in consultation with the Ruler of Travancore or Cochin as the case may be, and the decision of that person shall be final and binding on all parties concerned.

Article. 16. The Ruler of each Covenanting State, as also the members of his family, shall be entitled to all the personal privileges, dignities and titles enjoyed by them, whether within or outside the territories of the State, immediately before the 15th day of August, 1947.

Article 17: (1) The succession, according to law and custom, to the *gaddi* of each Covenanting State and to the personal rights, privileges, dignities and titles of the Ruler thereof, is hereby guaranteed.

(2) Every question of disputed succession in regard to a Covenanting State shall be decided by the Raj Pramukh after referring it to the High Court of the United State and in accordance with the opinion given by that High Court.

Article 18: No enquiry shall be made nor any action taken by or under the authority of the United State or the Government of India, and no proceedings shall lie in any court, against the Ruler of any covenanting State, whether in his personal capacity or otherwise, in respect of anything done or omitted to be done by him or under his authority during the period of his administration of that Covenanting State.

Article 19: (1) The United State hereby guarantees *either* the continuance in service of the permanent members of the public services of either Covenanting State on conditions which will not be less advantageous than those on which they are serving immediately before the appointed day *or* the payment of reasonable compensation or retirement on proportionate pension.

(2) The United State further guarantees the continuance of pensions and leave salaries sanctioned by competent authorities in either Covenanting State to members of the public services (civil and military) of that State, who have retired, or proceeded on leave preparatory to retirement, and the compassionate allowances granted to dependents of deceased members of those services before the appointed day.

Article 20: Except with the previous sanction of the Raj Pramukh, no proceedings, civil or criminal, shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duty as a servant of either Covenanting State before the appointed day.

Article 21: Notwithstanding anything contained in the preceding provisions of this Covenant, the Rulers of Travancore and Cochin shall continue to have and exercise their present powers of suspension, remission or commutation of death sentences in respect of any person who may have been or is hereafter sentenced to death for capital offence committed within the territories of Travancore or Cochin as the case may be.

Article 22: Nothing in this Covenant shall be construed as preventing the Government of the United State from taking over the administration of the whole or any part of any area included within a province of India on such terms and conditions as may be agreed upon by the Government of the United State and the Government of India.

SCHEDULE.

COVENANTING STATES AND PRIVY PURSE AMOUNTS.

TRAVANCORE	Rs. 18 Lakhs.
COCHIN	Rs. 2,25,000.

In confirmation of the above Covenant, we append our signatures, on behalf of ourselves, our heirs and successors.

Trivandrum,
27th May 1949.

Rama Varma
Maharaja of Travancore.

Thrippunithura,
29th May 1949.

Rama Varma
Maharaja of Cochin.

The Government of India, hereby concur in the above Covenant and guarantee all its provisions. In confirmation whereof, Mr. Vapal Pangunni Menon, Adviser to the Government of India in the Ministry of States, appends his signature on behalf and with the authority of the Government of India.

V. P. Menon
Adviser to the Government of India,
Ministry of States.

Major General His Highness Sri Padmanabha Dasa Vanchi Pala Sir Bala Rama Varma Kulasekhara Kiritapati Manney Sultan Maharaja Raja Ramaraja Bahadur Shamsher Jang, Knight Grand Commander of the Most Exalted Order of the Star of India, Knight Grand Commander of the Most Eminent Order of the Indian Empire, D. Litt., Maharaja of Travancore assumed the position of Raj Pramukh of the United State of Travancore and Cochin at 10-25 A. M. this day, the 1st July 1949/the 17th Mithunam 1124.

മേജർ ജനറൽ ശ്രീപത്മനാഭദാസ വഞ്ചിപാല സർ ബാലരാമവർമ്മ കുലശേഖരകിരീടപതി മന്നേസുൽത്താൻ മഹാരാജരാജ രാമരാജാ ബഹദൂർ ഷംഷർജംഗ് നൈററ് ഗ്രാൻഡ് കമാൻഡർ ആഫ് ദി മോസ്റ്റ് എക്സാൾട്ടഡ് ആർഡർ ആഫ് ദി സ്റ്റാർ ആഫ് ഇൻഡ്യാ, നൈററ് ഗ്രാൻഡ് കമാൻഡർ ആഫ് ദി മോസ്റ്റ് എമിനെൻറ് ആർഡർ ആഫ് ദി ഇൻഡ്യൻ എമ്പയർ, ഡി. ലിററ്., തിരുവിതാംകൂർ മഹാരാജാവു തിരുമനസ്സുകൊണ്ട് ൧൯൪൯ ജൂലൈ ൧/൧൧൨൪ മിഥുനം ൧൭-ാംനു-യായ ഇന്നേ ദിവസം കാലത്ത് ൧൦-൨൫-ന് തിരുവിതാംകൂർ—കൊച്ചി ഐക്യസംസ്ഥാനത്തിലെ രാജപ്രമുഖൻ എന്ന സ്ഥാനം സ്വീകരിച്ചിരിക്കുന്നു.

மேஜர் ஜெனரல் ஹிஸ் ஹைனஸ் ஸ்ரீபத்மநாப தாஸ வஞ்சிபால ஸர் பாலராமவர்ம குலசேகர கிரீடபதி மன்னே ஸுல்தான் மஹாராஜராஜ ராமராஜா பஹதூர் ஷம்ஷர் ஜங், நைட் க்ராண்ட் கமாண்டர் ஆப் தி மோஸ்ட் எக்ஸால்டெட் ஆர்டர் ஆப் தி ஸ்டார் ஆப் இந்தியா, நைட் க்ராண்ட் கமாண்டர் ஆப் தி மோஸ்ட் எமினென்ட் ஆர்டர் ஆப் தி இந்தியன் எம்பயர், டி. லிட். திருவிதாங்கூர் மஹாராஜா திருவுளங்கொண்டு 1949 ஜுலை 1/1124 ஆனி 17-ம் தேதியாகிய இன்று முற்பகல் 10-25-க்கு திருவிதாங்கூர்—கொச்சி ஐக்கிய சமஸ்தானத்தின் ராஜப் பிரமுகர் பதவியை ஏற்றுள்ளார்.

Huzur Cutcherry,
Trivandrum, 1st July 1949.

T. K. NARAYANA PILLAI,
Premier.

R. O. C. No. 760/49/Pol.

APPOINTMENT.

His Highness the Raj Pramukh has been pleased to appoint with effect from the forenoon of the 1st July 1949 the following persons to be members of the Council of Ministers; namely :—

1. Sri Parur T. K. Narayana Pillai, B. A., B. L. (*Premier*),
2. Sri E. Ikkanda Warriar, B. A., B. L.,
3. Sri A. J. John, B. A., B. L.,
4. Sri K. Ayyappan, B. A.,
5. Sri Panampilly Govinda Menon, M. A., B. L.,
6. Sri E. K. Madhavan, and
7. Sahib Bahadur T. A. Abdulla, B. A., B. L.

രാജപ്രമുഖൻ തിരുമനസ്സുകൊണ്ട് ൧൯൪൯ ജൂലൈ ൧-ാം-ാം പൂർവ്വാഹ്നം മുതൽ താഴെപ്പറയുന്ന ആളുകളെ മന്ത്രിസഭാംഗങ്ങളായി നിയമിച്ചിരിക്കുന്നു:—

൧. ശ്രീ പറവൂർ ററി. കെ. നാരായണപിള്ള, ബി. ഏ., ബി. എൽ. (പ്രധാനമന്ത്രി)

൨. ശ്രീ ഇ. ഇക്കണ്ടവാരിയർ, ബി. ഏ., ബി. എൽ.

൩. ശ്രീ ഏ. ജെ. ജാൺ, ബി. ഏ., ബി. എൽ.

൪. ശ്രീ കെ. അയ്യപ്പൻ, ബി. ഏ.

൫. ശ്രീ പനമ്പിള്ളി ഗോവിന്ദമേനോൻ, എം. ഏ., ബി. എൽ.

൬. ശ്രീ ഇ. കെ. മാധവൻ.

൭. സാഹിബ് ബഹദൂർ ററി. ഏ. അബ്ദുള്ള, ബി. ഏ., ബി. എൽ.

ராஜப் பிரமுகர் திருவுளங்கொண்டு 1949 ஜூலை 1-ம் தேதி முற்பகல் முதல் அடியிற் காணும் நபர்களை மந்திரி சபையின் அங்கத்தினர்களாக நியமித்துள்ளார் :—

1. ஸ்ரீ பறவூர் T. K. நாராயணபிள்ளை, பி. எ., பி. எல்., (பிரதானமந்திரி)
2. ஸ்ரீ E. இக்கண்டவாரியர், பி. எ., பி. எல்.
3. ஸ்ரீ A. J. ஜாண், பி. எ., பி. எல்.
4. ஸ்ரீ K. அய்யப்பன், பி. எ.
5. ஸ்ரீ பனம்பிள்ளி கோவிந்தமேனோன், எம். எ., பி. எல்.
6. ஸ்ரீ E. K. மாதவன்.
7. சாகிப் பஹதூர் T. A. அப்துல்லா, பி. எ., பி. எல்.

(By order)

Huzur Cutcherry,
Trivandrum, 1st July 1949.

C. KUMARA DAS,
Chief Secretary to Government.

R. O. C. No. 760/49/Pol.

ASSUMPTION OF CHARGE.

1. Sri Parur T. K. Narayana Pillai, B. A., B. L. (*Premier*),
2. Sri E. Ikkanda Warriar, B. A., B. L.,
3. Sri A. J. John, B. A., B. L.,
4. Sri K. Ayyappan, B. A.,
5. Sri Panampilly Govinda Menon, M. A., B. L.,
6. Sri E. K. Madhavan, and
7. Sahib Bahadur T. A. Abdulla, B. A., B. L.,

assumed charge as Ministers on the forenoon of 1st July 1949/17th Mithunam 1124.

൧. ശ്രീ പറവൂർ റ്റി. കെ. നാരായണപിള്ള, ബി. ഏ., ബി. എൽ. (പ്രധാനമന്ത്രി),

൨. ശ്രീ ഇ. ഇക്കണ്ടവാരിയർ, ബി. ഏ., ബി. എൽ.,

൩. ശ്രീ ഏ. ജെ. ജാൺ, ബി. ഏ., ബി. എൽ.,

൪. ശ്രീ കെ. അയ്യപ്പൻ, ബി. ഏ.,

൫. ശ്രീ പനമ്പിള്ളി ഗോവിന്ദമേനോൻ, എം. ഏ., ബി. എൽ.,

൬. ശ്രീ ഇ. കെ. മാധവൻ.,

൭. സാഹിബ് ബഹദൂർ റ്റി. ഏ. അബ്ദുള്ള, ബി. ഏ., ബി. എൽ.,

എന്നിവർ ൧൯൪൯ ജൂലൈ ൧/൧൧൨൪ മിഥുനം ൧൭-ാം പൂർവ്വാഹ്നത്തിൽ മന്ത്രിമാരായി ചാർജ്ജെടുത്തിരിക്കുന്നു.

1. ஸ்ரீ பறவூர் T. K. நாராயணபிள்ளை, பி. எ., பி. எல்., (பிரதானமந்திரி)
2. ஸ்ரீ E. இக்கண்டவாரியர், பி. எ., பி. எல்.,
3. ஸ்ரீ A. J. ஜாண், பி. எ., பி. எல்.,
4. ஸ்ரீ K. அய்யப்பன், பி. எ.,
5. ஸ்ரீ பனம்பிள்ளி கோவிந்தமேனோன், எம். எ., பி. எல்.,
6. ஸ்ரீ E. K. மாதவன்,
7. சாஹிப் பஹதூர் T. A. அப்துல்லா, பி. எ., பி. எல்.,

ஆகிய இவர்கள் 1949 ஜூலை 1/1124 ஆனி 17-ம் தேதி முற்பகலில் மந்திரிகளாக சார்ஜ் எடுத்திருக்கின்றனர்.

(By order)

Huzur Cutcherry,
Trivandrum, 1st July 1949.

C. KUMARA DAS,
Chief Secretary to Government.

Ordinance No. I of 1124.

Preamble.

WHEREAS, for the peace and good government of the United State of Travancore and Cochin, it is necessary to make provisions for the continuance, in that portion of the territory of the United State, which, before the 1st day of July, 1949 (hereinafter in this Ordinance referred to as "the appointed day") formed the State of Travancore the laws which were in force in that State immediately prior to the appointed day; and for the continuance in that portion of the territory of the United State, which, before the appointed day formed the State of Cochin, the laws which were in force in that State immediately prior to the appointed day; and to make provision for certain other matters;

NOW, THEREFORE, in exercise of the powers conferred by Article XI of the Covenant entered into by the Rulers of Travancore and Cochin for the formation of the United State;

HIS HIGHNESS the RAJ PRAMUKH is pleased to make and promulgate the following Ordinance:—

Title, extent and commencement.

1. (1) This Ordinance may be cited as "the United State of Travancore and Cochin Administration and application of Laws Ordinance, 1124.

(2) It extends to the whole of the United State of Travancore and Cochin.

(3) It shall come into force at once.

Definitions.

2. In this Ordinance and in all Ordinances made after the promulgation of this Ordinance, unless there is something repugnant in the subject or context—

(a) "Covenant" shall mean the Covenant entered into by the Rulers of Travancore and Cochin for the formation of the United State of Travancore and Cochin;

(b) "Existing law of Travancore" shall mean any Proclamation, law, order, bye-law, rule or regulation in force in the State of Travancore immediately prior to the appointed day, except the Travancore Interim Constitution Act, 1123;

(c) "Existing law of Cochin" shall mean any Proclamation, law, order, bye-law, rule or regulation in force in the State of Cochin immediately prior to the appointed day, except the provisions contained in Parts I, II, III and V of the Government of Cochin Act, 1113, and Form I of the Schedule thereto;

(d) "United State" shall mean the State formed by the integration of the States of Travancore and Cochin.

The existing laws of Travancore to continue in force in the territory of Travancore.

3. (1) Subject to the provisions of this Ordinance, the existing laws of Travancore shall, until altered, amended or repealed by competent authority, continue to be in force *mutatis mutandis* in that portion of the territories of the United State which before the appointed day formed the territory of the State of Travancore.

References to the Maharaja, the Government, or the Dewan in those laws how to be construed.

(2) All references in any of the existing laws of Travancore to His Highness the Maharaja of Travancore or the Government or the Dewan shall be construed as references to the Raj Pramukh or the Government of the United State or the Minister concerned of the United State, as the case may be.

The existing laws of Cochin to continue in the territory of Cochin.

4. (1) Subject to the provisions of this Ordinance, the existing laws of Cochin shall, until altered, amended or repealed by competent authority, continue to be in force *mutatis mutandis* in that portion of the territories of the United State which before the appointed day formed the territory of the State of Cochin.

References to the Maharaja, the Government or the Diwan in those laws how to be construed.

(2) All references in any of the existing laws of Cochin to His Highness the Maharaja of Cochin or the Government or the Diwan shall be construed as references to the Raj Pramukh or the Government of the United State or the Minister concerned of the United State, as the case may be.

Power of Raj Pramukh to make rules.

5. The Raj Pramukh shall make rules for the more convenient transaction of the business of the Government of the United State and for the allocation among Ministers of the said business.

Officers in the service of the Government of Travancore or of Cochin whose services are continued by the Government of the United State to be deemed officers of the Government of the United State.

6. (1) All officers in the service of the Government of Travancore or the Government of Cochin immediately prior to the appointed day whose services are continued by the Government of the United State under Article XIX of the Covenant shall be deemed to be officers of the Government of the United State. Such officers and all officers appointed by the Government of the United State shall exercise the powers and perform the functions under the existing laws of Travancore or under the existing laws of Cochin, as the case may be, or of both, where the Government of the United State issue directions in this behalf to the officers concerned; and when acting in such capacity they shall be deemed to be the officers specified in the existing laws of Travancore or in the existing laws of Cochin, as the case may be, or of both, entitled to exercise the powers and charged with the duties and obligations under such laws.

All Civil Courts constituted etc. under the Civil Courts Acts prior to the appointed day to be valid and effective for all purposes.

(2) All Civil Courts constituted, appointments made, limits fixed, jurisdiction and powers conferred under the Travancore and Cochin Civil Courts Acts prior to the appointed day shall be valid and effective for all purposes as if the Civil Courts were constituted, appointments were made, limits were fixed and jurisdiction and powers were conferred by the Government of the United State.

All Criminal Courts constituted etc. under the Criminal Procedure Codes to be valid and effective for all purposes.

(3) All Criminal Courts constituted, appointments made, limits fixed, jurisdiction and powers conferred under the Travancore and Cochin Codes of Criminal Procedure prior to the appointed day shall be valid and effective for all purposes as if the Criminal Courts were constituted, appointments were made, limits were fixed and jurisdiction and powers were conferred by the Government of the United State.

The effect of formation of the United State.

7. The formation of the United State shall not —

(*a*) affect anything duly done or suffered under the existing laws of Travancore or under the existing laws of Cochin ; or

(*b*) affect any right, privilege, obligation or liability acquired, accrued or incurred prior to the appointed day ; or

(c) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the existing laws of Travancore or against the existing laws of Cochin prior to the appointed day ; or

(d) affect any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceedings or remedy may be instituted, continued or enforced in the United State and any such penalty, forfeiture or punishment may be imposed as if the United State had not been formed.

Legal proceed-[illegible] taken by or [illegible]inst the Govern-[illegible]nt of Travancore [illegible] of Cochin may [illegible] continued by or a[illegible]nst the United S[illegible]e.

8. (1) Any legal proceedings taken by or against the Government of Travancore or the Government of Cochin prior to the appointed day may be continued by or against the Government of the United State represented by such officer as may be designated for the purpose by order of the Raj Pramukh.

[illegible]its by or ag[illegible]nst the Govern-m[illegible] of the United Sta[illegible] how - insti-tut[illegible]

(2) Suits by or against the Government of the United State shall be instituted by or against such officer as may be designated for the purpose by order of the Raj Pramukh.

P[illegible]er of Courts for [illegible]removal of diffi[illegible]ties.

9. In the application of the existing laws of Travancore or the existing laws of Cochin by virtue of the operation of Section 3 or Section 4, the Courts of the United State shall have power for the removal of difficulties, if any, arising out of or in connection with such application, to interpret such laws so as to effectuate the purposes intended by this Ordinance.

SIGN MANUAL.



Ordinance No. II of 1124.

Preamble.

WHEREAS by a Covenant the States of Travancore and Cochin have agreed to unite and integrate their territories into one State with a common executive, legislature and judiciary ;

AND WHEREAS it is necessary for the peace and good Government of the United State to provide for the establishment of a High Court and for certain other matters connected with the constitution and functions of such a High Court ;

NOW, THEREFORE, in exercise of the powers conferred by Article XI of the Covenant establishing the United State of Travancore and Cochin,

HIS HIGHNESS THE RAJ PRAMUKH is pleased to make and promulgate the following Ordinance :—

PART I.

PRELIMINARY.

Title.

1. This Ordinance may be called the United State of Travancore and Cochin High Court Ordinance, 1124.

Extent.

2. It extends to the whole of the United State of Travancore and Cochin.

Commencement.

3. It shall come into force on the 7th day of July, 1949 corresponding to the 23rd day of Mithunam 1124 M. E.

Repeal.

4. The Travancore High Court Act, IV of 1099 M. E. and Part IV of the Government of Cochin Act, XX of 1113 M. E. and Form II of the Schedule thereto are hereby repealed.

PART II.

CONSTITUTION OF THE HIGH COURT.

Establishment of the High Court.

5. There shall be a High Court of Judicature for the United State of Travancore and Cochin.

Seat of the High Court.

6. The High Court of Judicature of the United State of Travancore and Cochin, hereinafter in this Ordinance referred to as the High Court, shall be a Court of record and shall sit at Eranakulam.

Constitution of the High Court.

7. The High Court shall consist of a Chief Justice and of such number of other Judges not less than five as the Raj Pramukh may, from time to time, appoint.

Proceedings commenced prior to this Ordinance in either High Courts to be continued.

8. All proceedings commenced prior to the coming into force of this Ordinance in either of the High Courts of Travancore and Cochin, hereinafter in this Ordinance referred to as the existing High Courts, shall be continued and depend in the High Court as if they had commenced in the High Court after such date.

Any order made by either of the existing High Courts in any such proceedings as aforesaid shall, for all purposes, have effect not only as an order of that Court, but also as an order made by the High Court.

Appointment, resignation etc. of Judges of the High Court.

9. (1) Every Judge of the High Court shall be appointed by the Raj Pramukh by a warrant under his hand and seal and every permanent Judge shall hold office until he attains the age of sixty years:

Provided that—

(a) a Judge may, by writing under his hand addressed to the Raj Pramukh, resign his office;

(b) a Judge may be removed from his office by order of the Raj Pramukh on the ground of misbehaviour or of infirmity of mind or body;

(c) the office of a Judge shall be vacated by his being appointed by the Governor-General to be a Judge of the Federal Court or of any other High Court within the territory of India.

Qualifications of Judges.

(2) A person shall not be qualified for appointment as a Judge of the High Court unless he is a citizen of India; and

(a) has held for at least ten years a judicial office in India; or

(b) has been for at least ten years an Advocate of a High Court or of two or more such Courts in succession.

Explanation.—For the purposes of this sub-section—

(*a*) in computing the period during which a person has been an Advocate of a High Court, there shall be included any period during which a person held judicial office after he became an Advocate;

(*b*) in computing the period during which a person has held judicial office in the territory of India or has been an Advocate of a High Court, there shall be included any period before the commencement of this Ordinance, during which he held judicial office in any area which was comprised before the 15th day of August, 1947, within India as defined by the Government of India Act, 1935, or has been an Advocate of any High Court in any such area, as the case may be.

Declaration to be made by Judge on appointment.

10. The Chief Justice and every Judge who shall, from time to time, be appointed to the High Court whether permanently or temporarily, shall, previous to entering upon the duties of his office, make and subscribe the following declaration before any one of the Judges of the High Court, or before such authority as the Raj Pramukh may commission in that behalf:—

I, A. B., having been appointed Chief Justice (or a Judge) of the High Court of the United State of Travancore and Cochin do swear in the name of God / solemnly affirm that I will bear true faith and allegiance to the Constitution of India and to the Constitution of the United State of Travancore and Cochin, that I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or illwill and that I will uphold the said Constitutions and laws.

Seal of the High Court.

11. The High Court shall have and use, as occasion may require, a seal bearing the device of the Government of the United State of Travancore and Cochin, with a label surrounding the same, with the inscription: "The Seal of the High Court of Judicature of the United State of Travancore and Cochin". The seal shall be in the custody of the Chief Justice, or in his absence, of the Judge performing the duties of the Chief Justice.

Judge not to plead or act in any court or before any authority after retirement.

12. No person who has held office as a permanent Judge of the High Court after the commencement of this Ordinance shall plead or act in any court or before any authority within the territory of the United State.

Salaries of Judges.

13. The Judges of the High Court shall be entitled to such salaries and allowances and to such rights in respect of leave and pensions as may from time to time be fixed by or under law made by the Legislature of the United State of Travancore and Cochin and until they are so fixed, shall be entitled to such salaries, allowances and rights in respect of leave of absence and pensions as the Raj Pramukh may determine:

Provided that the salary of the Chief Justice shall not be less than Rs. 1,500 per month and the salary of any other Judge of the High Court shall not be less than Rs. 1,000 per month:

Provided further that neither the salary of a Judge nor his rights in respect of leave of absence or pension shall be altered to his disadvantage after his appointment:

Provided further that where a Judge of any of the existing High Courts is appointed as a Judge of the High Court he shall be entitled for purposes of pension to count the period of his service prior to such appointment under the Government of Travancore or Cochin, as the case may be, and also to any leave he might have earned during that period.

Vacancies in the office of the Chief Justice.

14. (1) If the office of the Chief Justice of the High Court becomes vacant, or if the Chief Justice is by reason of absence, or for any other reason unable to perform the duties of his office, those duties shall, until some person permanently appointed to the vacant office has entered on the duties thereof, or until the Chief Justice has resumed his duties, as the case may be, be performed by such one of the other Judges of the Court as the Raj Pramukh may think fit to appoint as acting Chief Justice, and until such appointment is made, by the senior Judge of the Court present.

Vacancies in the office of any other Judge.

(2) If the office of any other Judge of the High Court becomes vacant, or if any such Judge is appointed to act temporarily as Chief Justice, or is by reason of absence, or for any other reason unable to perform the duties of his office, the Raj Pramukh may appoint a person duly qualified for appointment as a Judge to act as a Judge of the High Court, and the person appointed shall, unless the Raj Pramukh thinks fit to revoke his appointment, be deemed to be a Judge of the High Court until some person permanently appointed to the vacant office has entered on the duties thereof, or until the permanent Judge has resumed his duties.

Chief Justice to regulate work.

15. The Chief Justice shall, from time to time, determine which Judge in each case shall sit alone, and which of the Judges of the Court whether with or without the Chief Justice, shall constitute the several division courts.

Administrative Control of the High Court to vest in Chief Justice.

16. The administrative control of the High Court shall vest in the Chief Justice who may exercise it in such manner and after such consultation with the other Judges, as he may think fit.

Rank of the Chief Justice and the other Judges.

17. (1) The Chief Justice shall have rank and precedence before the other Judges of the High Court.

(2) The other Judges of the High Court shall have rank and precedence according to the seniority of their appointments:

Provided that where more than one Judge is appointed on the same date, their respective rank and precedence shall be such as may be determined by the Raj Pramukh.

PART III.

JURISDICTION OF THE HIGH COURT.

Jurisdiction and powers of the High Court.

18. Subject to the provisions of this Ordinance, the High Court shall have and exercise all the jurisdiction and powers vested in it by this and any other Ordinance and under any law which may hereafter come into force and any power or jurisdiction vested in the existing High Courts by any Act or Proclamation in force in the States of Travancore and Cochin immediately prior to the coming into force of this Ordinance.

References in the existing laws to the High Court.

19. All references in the existing laws of Travancore or the existing laws of Cochin to the High Court shall be construed as references to the High Court constituted under this Ordinance.

Powers of a single Judge.

20. A single Judge of the High Court is empowered—

(1) to call for information from the subordinate courts with a view to superintend their working and to correct errors of procedure or practice;

(2) to revise calendars and examine the returns in criminal cases submitted by the subordinate courts;

(3) to examine the returns submitted by the civil courts;

(4) to hear and decide—

(A) every application—

(i) for determining in which of several courts having jurisdiction a suit shall be heard;

(ii) for the admission of an appeal presented after the expiry of the period allowed by the Laws of Limitation;

(iii) for the admission of an appeal in *forma pauperis*;

(iv) under Section 89 of the Travancore Code of Civil Procedure, 1100, or under Section 95 of the Cochin Code of Civil Procedure, 1111;

(v) of an interlocutory character in appeals and other matters pending in the High Court:

Provided that a single Judge shall not have the power to dispose of an application to implead the representative of a deceased appellant or respondent, if it is opposed, in which case the application shall be heard and decided by the Bench competent to hear the case;

(vi) for the exercise of the High Court of its power to revise the proceedings of any criminal court:

Provided that a single Judge shall not have the power to set aside or modify any order of acquittal or enhance any sentence passed by any criminal court;

(vii) for the exercise of the powers conferred by Sections 353 and 409 of the Travancore Code of Criminal Procedure or Sections 337 and 398 of the Cochin Code of Criminal Procedure;

(viii) (*a*) for the transfer of any suit, appeal or other proceeding, or proceedings in execution of a decree, from one of the civil courts subordinate to the High Court to another subordinate civil court competent to try and dispose of the same or to the High Court;

(*b*) for the re-transfer of any suit, appeal or other proceeding or proceedings in execution of a decree, from the High Court to one of the civil courts subordinate to the High Court and competent to try and dispose of the same; and

(ix) (a) for the transfer of any enquiry, trial or other proceeding, from one of the criminal courts subordinate to the High Court to another subordinate criminal court competent to enquire into or try and dispose of the same, or to the High Court;

(b) for the re-transfer of any enquiry, trial or other proceeding, from the High Court to one of the criminal courts subordinate to the High Court and competent to enquire into or try and dispose of the same;

(B) every reference by a criminal court for the revision of the proceedings of a subordinate criminal court, provided that a single Judge shall not have the power to set aside or modify any order of acquittal or to enhance any sentence passed by any criminal court.

(C) every appeal from an appellate decree or order, provided that a single Judge shall not have the power to set aside or modify any such decree or order, and provided further, that a single Judge shall not have the power to dismiss the appeal if he is of opinion that the appeal will lie on ground (d) mentioned in sub-section (1) of Section 79 of the Travancore Code of Civil Procedure, 1100 or on ground (d) mentioned in sub-section (1) of Section 85 of the Cochin Code of Civil Procedure, 1111:

Provided always that it shall be lawful for such Judge to refer any such application or appeal for the decision of a Division Bench of two Judges or of a Full Bench;

(5) to withdraw and to try and decide any suit or other proceeding pending in any civil court subordinate to the High Court or to transfer the same to any other civil court competent to try and dispose of the same or to re-transfer the same to the court from which it was withdrawn; and

(6) to withdraw, inquire into, try and decide any inquiry, trial or proceeding pending in any criminal court subordinate to the High Court, or to transfer the same to any other criminal court competent to inquire into or to try and dispose of the same or to re-transfer the same to the court from which it was withdrawn.

Powers of Division Benches of two Judges.

21. A Division Bench, consisting of two Judges of the High Court, is empowered:—

(i) to hear and decide applications or appeals or other proceedings that a single judge may refer under Section 20;

(ii) (a) to hear and decide all appeals, civil and criminal, preferred from the decrees, orders, convictions or sentences of the civil and criminal courts where the same are allowed by law, except the appeals provided for in Section 25;

(b) to hear and decide all appeals preferred from the decrees and from such orders as are provided for in Section 82 and Section 88 of the Travancore and Cochin Codes of Civil Procedure, respectively, of a single judge of the High Court passed in the exercise of original jurisdiction except the appeals provided for in Section 25;

(c) to hear and decide all appeals preferred against convictions or sentences and orders of acquittal passed by a single judge of the High Court in the exercise of original jurisdiction;

(iii) to transfer on its own motion civil or criminal cases from one court to another;

(iv) to dispose of references made by the subordinate courts in non-appealable civil cases, and to revise on its own motion or otherwise, the proceedings of the civil courts in non-appealable cases;

(v) to revise convictions or sentences or orders passed by subordinate criminal courts in cases called up by the High Court on its own motion and to pass orders on references made by subordinate criminal courts;

(vi) to hear and determine applications under Section 402 of the Travancore Code of Criminal Procedure or under Section 391 A of the Cochin Code of Criminal Procedure; and

(vii) to pass orders on all petitions and applications, civil or criminal, not falling under any of the preceding clauses.

Powers of vacation Judges.

22. (1) During the annual recess of the High Court, a single judge of the Court acting as vacation judge and during consecutive holidays of more than three days' duration a single judge of the Court to be nominated by the Chief Justice shall have –

(a) all the powers of the High Court except in cases in which such power must be exercised under any provision of any law by more than one judge, and

(b) the power to make provisional orders in all urgent matters, civil and criminal, and for such purpose to receive appeals, plaints and petitions ordinarily presentable to the subordinate courts:

Provided, however, that such provisional orders shall remain in force until the matter has been heard and decided by the court having jurisdiction.

(2) It shall be competent for the Chief Justice during the annual recess of the High Court or during consecutive holidays of more than three days' duration to constitute a Division Bench or a Full Bench to hear and decide any matter that such Bench is competent to hear and decide otherwise.

Reference by Chief Justice.

23. Where two judges forming a Division Bench agree as to the decree, order or sentence to be passed, their decision shall be final. But if they disagree, they shall deliver separate judgments and thereupon the Chief Justice shall refer, for the opinion of another judge, the matter or matters on which such disagreement exists, and the decree, order or sentence shall follow the opinion of the majority of the judges hearing the case.

Reference to a Full Bench.

24. Any case, civil or criminal of a special or novel character, or involving an important point of law, may be referred to a Full Bench for hearing and decision either by the Chief Justice before the case is heard by a Division Bench of two Judges or by such Bench when hearing the case. The decision of the Full Bench, or in case of a difference of opinion, the decision of the majority shall be final:

Provided that the judges of the Division Bench may direct that any civil appeal falling under Section 21 be heard and decided along with any appeal falling under Section 25, if, in their opinion, both the appeals are connected with each other.

Civil appeals of Rupees five thousand and upwards.

25. A Full Bench shall hear and decide all appeals from the decrees of the District Courts or the court of a Subordinate Judge or of a single Judge of the High Court in suits in which the amount or value of the subject-matter is not less than five thousand rupees and the amount or value of the matter in appeal is not less than that sum.

Explanation I. For the purpose of this section :—

(a) the value of a suit or appeal shall be determined with reference to the provisions of the Travancore Suits Valuation Act or the Cochin Court Fees Act, as the case may be ;

(b) all the appeals preferred against one and the same decree shall be treated as one appeal ;

(c) objections filed by the respondents under Order XL, Rule 21, of the Travancore Code of Civil Procedure or under Order XLI, Rule 22, of the Cochin Code of Civil Procedure shall be treated as an appeal.

Explanation II. Orders of remand, orders of dismissal for default and orders of abatement consequent on the death of parties under the Travancore or Cochin Codes of Civil Procedure shall not be deemed decrees within the meaning of this section.

Review of judgment.

26. In cases decided under Section 25 of this Ordinance, a Full Bench of the High Court may admit a review of judgment subject to the provisions of the Travancore and Cochin Codes of Civil Procedure.

PART IV.

ADMINISTRATIVE FUNCTIONS OF THE HIGH COURT.

Powers of High Court over subordinate Courts.

27. (1) The High Court shall have superintendence over all courts subordinate to it throughout the United State of Travancore and Cochin.

(2) It shall be competent for the High Court to depute a judge of the said court to visit the subordinate courts, to correct the errors of their procedure and practice, and generally to examine and report on the working of the subordinate courts.

(2) Without prejudice to the generality of the foregoing provisions, the High Court may—

(a) call for returns from such courts;

(b) direct the transfer of any suit or appeal from any such court to any other court of equal or superior jurisdiction, or withdraw such suit or appeal from any such court to itself;

(c) make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts; and

(d) prescribe forms in which books, entries and accounts, shall be kept by the officers of any such courts.

The administrative expenses of the High Court.

28. The administrative expenses of the High Court, including all salaries, allowances and pensions payable to or in respect of the officers and servants of the court and the salaries and allowances of the Judges of the court, shall be charged on the revenues of the United State of Travancore and Cochin and any fees or other moneys taken by the court shall form part of those revenues.

PART V.

MISCELLANEOUS.

Constitution of Full Bench of the High Court.

29. A Full Bench of the High Court shall consist of an uneven number of Judges not less than three.

Regulation of business in the High Court.

30. The conduct of the business in the High Court shall be regulated by the Chief Justice and in his absence by the senior Judge of the court present until another Judge is appointed by the Raj Pramukh to perform the duties of the Chief Justice.

Power to make rules.

31. The High Court shall have power to make rules not inconsistent with this Ordinance or any other Ordinance, Act, or Proclamation in force in the United State, so as to regulate the procedure in the High Court and in the subordinate courts. Such rules shall be published in the Gazette of the United State.

Advocates.

32. All Advocates on the rolls of the existing High Courts shall be entitled as of right to practise in the High Court and the courts subordinate thereto.

SIGN MANUAL

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